

**FILED**

OCT 11 2019

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

Clerk, U.S. District Court  
District Of Montana  
Missoula

WILLIAM J. NORDHOLM,

CV 18-67-H-DLC-JTJ

Petitioner,

vs.

ORDER

JIM SALMONSEN; ATTORNEY  
GENERAL OF THE STATE OF  
MONTANA,

Respondents.

On August 23, 2019 United States Magistrate Judge John T. Johnston entered his Findings and Recommendation recommending that Petitioner William J. Nordholm's petition for writ of habeas corpus under 28 U.S.C. § 2254 be denied as moot. (Doc. 37.) The Court received a phone call from Nordholm on September 10, 2019 informing the Court that he did not receive the prior mailing containing the Findings and Recommendation. The Court mailed a second copy to Nordholm on the same date. It has now been over a month and the time to object has expired. The Court shall construe this matter as unobjected.

A party is only entitled to de novo review of those findings to which he or she specifically objects. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings to which no party objects. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear


error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge Johnston determined the Nordholm’s petition should be denied as moot because the relief he requests, release from an unlawful confinement, has already occurred. Nordholm was released from prison on August 8, 2019 and he is no longer serving any form of sentence. (Docs. 36 at 1; 36-1.) In his analysis, Judge Johnston correctly determined that, as a result of Nordholm’s release, this Court lacks jurisdiction over this matter for lack of a “case or controversy.” (Doc. 37 at 4.) Additionally, there being no close calls or disputed legal issues, a certificate of appealability will be denied. Having reviewed for clear error and finding none,

IT IS ORDERED that Judge Johnston’s Findings and Recommendation (Doc. 37) is ADOPTED in full.

1. Respondents’ Motion to Dismiss (Doc. 36) is GRANTED and Nordholm’s petition (Doc. 1) is DISMISSED as moot.
2. The Clerk of Court is directed to enter, by separate document, a judgment of dismissal.
3. A certificate of appealability is DENIED.

DATED this 11<sup>th</sup> day of October, 2019.

  
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Dana L. Christensen, Chief Judge  
United States District Court